



PO Box 281

Lovell, ME 04051

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October 12, 2022

Mr. Michael Burke  
Chairperson, Board of Appeals  
Town of Lovell  
1069 Main Street  
Lovell, ME 04051

Re: Appeal from Code Enforcement Decision Regarding Conditional Use 2022-03

Dear Mr. Burke:

Our Eden Association (“OEA”) respectfully requests that the Board of Appeals accept and enter into the record for the above referenced appeal the attached submission. OEA also requests that the Board allow OEA to participate in any Board of Appeals hearing on the appeal and be recognized as a party.

OEA promotes, and has a direct interest in, policies and practices to ensure that development protects Lovell’s unique natural qualities and rural character. As an all-volunteer, non-profit organization, OEA carries out its stewardship mission by working together with the community, town officials, and other organizations. OEA is experienced in the construction and application of ordinances affecting development in Lovell. We believe that the perspective gained from this experience will be of value to the Board of Appeals in this matter, which presents issues of first impression under the recently revised Section 6.2 of the Lovell Zoning Ordinance.

As set forth in more detail in the attached submission, to be expressly listed, a use must be specifically mentioned in the Table of Uses or in the defined terms incorporated into the Table of Uses. There is specific mention in the Table of Uses of one particular type of warehouse, the “Warehouse, Distribution Center.” But a self-storage facility, as proposed here, is not a type of warehouse. The ordinarily accepted meaning of the term warehouse does not include self-storage. Self-storage facilities and warehouses operate distinct business models and are subject to entirely separate regulatory provisions under Maine state law. Applicant/appellant’s use of the two terms recognizes these distinctions.

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Even if the Board finds that the term warehouse includes self-storage, the Board must still find that the applicant's intended use is not expressly listed in the Table of Uses. The Table of Uses allows only one type of warehouse in Lovell, the "Warehouse, Distribution Center." By virtue of not being expressly listed or specifically mentioned in the Table of Uses, all other types of warehouses are prohibited.

The formal written determination of the CEO in this matter should be affirmed for the reasons stated therein as well as the additional grounds set forth in the attached submission.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul T. Denis", written over a horizontal line.

Our Eden Association

By Paul T. Denis, Director

cc: Philip R. Saucier, Esq., Counsel to the Town of Lovell Board of Appeals  
Gordon R. Smith, Esq., Counsel to Bridgton Investment Fund, LLC and Mark Lopez  
Mr. Alan Broyer, Code Enforcement Officer, Town of Lovell